



**PLANNING COMMISSION  
REGULAR MEETING AGENDA**

April 20, 2017

7:00 p.m.

- 1) Call to Order** – Chairman Theresa Stein
- 2) Pledge of Allegiance**
- 3) Agenda Amendments** (Planning Commission and Staff)
- 4) Commissioner Disclosures**
- 5) Public Hearings**
  - a) OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District
- 6) Presentations**
  - a) None Scheduled
- 7) Discussion Items**
  - a) OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District
  - b) OA16-01 – Zoning Ordinance Text Amendment to Repeal and Replace the Stream and Creek Buffer *\*MATERIALS TO BE PROVIDED IN SUPPLEMENTAL AGENDA\**
- 8) Action Items**
  - a) None Scheduled  
*Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.*
- 9) Information Items**
  - a) Status of Priority Work Items
- 10) Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) Council Representative's Report**
- 12) Chairman's Comments**
- 13) Planning Commissioners' Comments**
- 14) Approval of Minutes**
  - a) April 6, 2017 Regular Meeting
- 15) Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting OR if you would like an expanded copy of this agenda, please contact the Department of Community Development at (540) 338-

2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.

**USE OF ELECTRONIC DEVICES DURING MEETINGS** For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.



**STAFF REPORT**  
**PUBLIC HEARING & DISCUSSION ITEM**

Item # 5a & 7a

**SUBJECT:** OA16-05 – Zoning Ordinance Text Amendment to Reduce  
Maximum Building Heights in the C-4 District

**DATE OF MEETING:** April 20, 2017

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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**SUMMARY and RECOMMENDATIONS:**

On October 11, 2016, Town Council approved Resolution 16-10-02 (Attachment 1) initiating a number of Zoning Ordinance text amendments and referring them to the Planning Commission to be considered and acted upon. Included among these were amendments to the height standards of the C-4 (Central Commercial) Zoning District (coded as OA16-05), and the Planning Commission approved a draft amendment reducing the maximum building heights allowed in the C-4 Zoning District (Attachment 2) on March 16<sup>th</sup> to move forward to a public hearing. The public hearing before the Planning Commission on OA16-05 is scheduled for the April 20<sup>th</sup> meeting. Staff recommends approval of OA16-05 with two modifications:

1. Maintain the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet (instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district), and
2. Do not add the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

**BACKGROUND:**

Resolution 16-10-02, approved by Town Council on October 11, 2016, initiated the following Zoning Ordinance text amendments (as stated in the Resolution):

- a. Tree Planting, Tree Preservation, Landscape, and Stream & Creek Buffer Amendments to Article 7 and Article 14
- b. C-4 District Height Standard Amendments to Article 4, Section 9.8
- c. Civil Financial Penalties Amendments to Article 11, Section 17

Since the beginning of 2017, Planning Commissioner Chip Paciulli has spearheaded work on the OA16-05 amendment regarding the height standards of the C-4 (Central Commercial) zoning district. Commissioner Paciulli discussed this item with the Board of Architectural Review (BAR) at its January 17<sup>th</sup> meeting, and two members of the BAR agreed to meet with him to discuss the matter further. Commissioner Paciulli then met with these BAR members to discuss this issue on February 2<sup>nd</sup>, and the general recommendation resulting from this meeting was to amend the C-4 height standards to revert to the regulatory language in use prior to an amendment approved in 2008 as part of Ordinance 08-08-03.

The proposal that Commissioner Paciulli presented at the Planning Commission's March 16<sup>th</sup> meeting included ordinance language from a 1991 printing of the Zoning Ordinance, but he recommended retaining the current maximum height of 35 feet for buildings within 200 feet of any residential district because 35 feet is the maximum height allowed in those districts. The Commission instead recommended 30 feet as shown in the 1991 printing because it preferred the simplicity of being able to describe the effects of the amendment as restoring all of the regulations that were in place prior to the most recent amendment to the height standards. The redline draft attached to this staff report (Attachment 2) was prepared by Planning Commission Chairman Theresa Stein per the results of the Planning Commission's discussion.

Resolution 16-10-02 also directed the Planning Commission to present its recommendations to the Town Council prior to holding a public hearing and to take any comments from Town Council into consideration, so the draft OA16-05 amendment was presented for Council's review on March 28<sup>th</sup>. Council spoke positively of OA16-05 in general although Councilmember McCollum questioned whether the amendment would cause either of the old mill buildings to become nonconforming.

#### **ANALYSIS:**

Town Staff has not been heavily involved in the preparation of this amendment to this point, so Staff only began to analyze the potential effects of the various text changes proposed after the Planning Commission moved the current draft forward to public hearing. Staff's analysis has noted the following issues.

1. When OA16-05 was last discussed by the Planning Commission, the Commission expressed a preference to simply restore all of the regulations that were in place prior to the approval of Ordinance 08-08-03. However, Staff's research has found that the 1991

ordinance language presented to the Commission at that time differed slightly from the language that was in effect just prior to the approval of the most recent amendment. As shown in the excerpt of Ordinance 08-08-03 attached to this staff report (Attachment 3), buildings located within 200 feet of any residential district could not exceed 32 feet in height while the currently proposed amendment would reduce the height of such buildings to 30 feet from the current limitation of 35 feet.

2. As Staff noted during the Planning Commission’s previous discussion of OA16-05, Staff does not understand the rationale for limiting buildings within a certain distance of residential zoning districts to a stricter height standard than allowed by those districts. The following table displays the general maximum height allowed in the Town’s residential zoning districts.

<b>Zoning District</b>	<b>Max. Height in Feet</b>	<b>Max. Height in Stories</b>
R-2	35	2 ½
R-3	35	2 ½
R-3A	35	None
R-8	35	2 ½
R-15	35	2 ½
PDH	Varies	Varies

Because of this, Staff recommends allowing buildings within a certain distance of residential zoning districts to be limited to a maximum of 35 feet in height. In general, Staff does not recommend limiting the height of buildings based on the number of stories, but if the Commission desires to do so, then Staff would recommend 2 ½ stories in addition to the 35 feet limitation. These numbers are more defensible than those currently proposed by the amendment.

3. Utilizing the Town’s geographic information system, Staff has created a map displaying the current 50 foot buffer from residential districts within which building heights would be further limited in C-4 as well as the proposed 200 foot buffer (Attachment 4). This map provides context on which buildings and properties that are not currently subject to this additional restriction on building heights would become subject under the proposed amendment. Staff has used this information to determine that one or more properties would become nonconforming under the proposed amendment (see #5 below).
4. Staff has examined whether the proposed amendment would result in any nonconformities for buildings that have been built or received site plan approval since

2008 under the C-4 district's current height standards. Director of Community Development Patrick Sullivan researched this issue and found that Vineyard Square is the only proposed building that has received approval under the current height regulations which would become nonconforming (assuming that it gets built within the next 5 years) if the maximum height is lowered as proposed by this amendment.

5. Staff has also researched the effects that the proposed amendment would have on existing buildings and has found that it would make at least one building nonconforming. The historic portion of the Adams Mill building at 201 North 23<sup>rd</sup> Street is four stories tall, and Commissioner Stinnette has measured its height as approximately 42.66 feet. OA16-05's proposed modification to the general maximum height standard to add a height limitation of three stories (in addition to the current standard of 45 feet) would make this portion of the building nonconforming. Furthermore, this portion of the building would also be located within 200 feet of a residential district where the proposed amendment would limit the maximum height to 2 stories and 30 feet, so the building would become nonconforming under this provision as well. It is also possible that the buildings at 170 West Main Street and 142-144 East Main Street would become nonconforming. Site plan TP02-23 notes the height of the original portion of the 170 West Main Street building closest to Main Street as 30 feet and 2 ½ stories. Being within 50 feet of a residential district, the building would meet the current height standard of 35 feet as well as the proposed height limitation of 30 feet, but it would not meet the proposed 2 story limitation. The building at 142-144 East Main Street is not located within 50 feet of a residential district but is located within 200 feet, so it would become subject to the proposed 30 feet and 2 story height limitation. While the Town does not appear to have a document stating the height of this building in feet, the nomination form submitted by the Town of Purcellville to create the Purcellville Historic District listed on the National Register of Historic Places noted the building's height as 2 ½ stories.

Building of the recommendation stated above in #2 and in order to avoid these potential nonconformities, Staff recommends: (1) maintaining the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet, and (2) not adding the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

**FINDINGS:**

1. Resolution 16-10-02 expressed a desire by Town Council to amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions, and OA16-05 would achieve this desire.
2. Maintaining the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet (instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district) and not adding the proposed additional three story limitation to the existing standard which limits the general maximum height to 45 feet will avoid making existing buildings nonconforming.
3. Adopting OA16-05 to reduce maximum building heights in the C-4 Zoning District will serve the public necessity, convenience, and general welfare.

**MOTIONS:**

***Add as Action Item (if desired)***

I move that OA16-05 be added to the Planning Commission's April 20<sup>th</sup> regular meeting agenda as an action item.

*AND THEN (if motion to add item for action is adopted)*

***Approval with Changes – RECOMMENDED***

For the reasons stated in the staff report dated April 20, 2017, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, OA16-05 reducing the maximum building heights in the C-4 Zoning District with the following changes:

1. Maintain the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district, and
2. Do not add the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

-OR-

***Approval as Presented***

I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve for the following reasons, OA16-05 reducing the maximum building heights in the C-4 Zoning District:

- 1.
- 2.
- 3.

-OR-

***Disapproval***

I move that the Planning Commission forward to Town Council, with a recommendation to disapprove for the following reasons, OA16-05 reducing the maximum building heights in the C-4 Zoning District:

- 1.
- 2.
- 3.

**ATTACHMENTS:**

1. Resolution 16-10-02
2. Proposed C-4 Height Standards for Planning Commission Public Hearing
3. Excerpt of Ordinance 08-08-03
4. Map of Current and Proposed Residential Buffer Regarding C-4 Building Heights



Mayor

Kwasi A. Fraser

Council

Chris Bledsoe

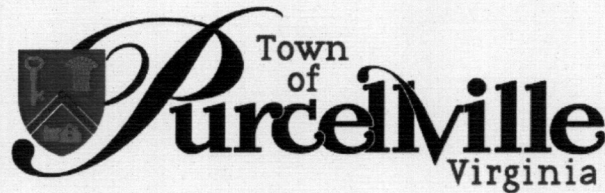
Ryan J. Cool

Kelli Grim

Karen Jimmerson

Douglass J. McCollum

Nedim Ogelman



Town Manager

Robert W. Lohr, Jr.

Assistant Town Manager

Daniel C. Davis

221 S. Nursery Avenue

Purcellville, VA 20132

(540) 338-7421

Fax: (540) 338-6205

[www.purcellvilleva.gov](http://www.purcellvilleva.gov)

**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**RESOLUTION NO. 16-10-02**

**PRESENTED:**

**October 11, 2016**

**ADOPTED:**

**October 11, 2016**

**A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE**

**WHEREAS,** the Town Council desires to amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions; and

**WHEREAS,** the Town Council desires to amend the Zoning Ordinance to add tree preservation requirements, to increase the quantity and quality of required tree and vegetative plantings within the Town's Stream and Creek Buffer, and to increase the required quantity and quality of tree and vegetative plantings on non-residential properties; and

**WHEREAS,** in addition to increasing the quantity and quality of required tree and vegetative plantings as stated above, the Town Council desires to wholly review and amend Articles 7 and 14 of the Zoning Ordinance, which govern Landscaping, Buffering, Open Space, and Stream and Creek Buffers, in order to remove ambiguities, reflect state code requirements, and clarify existing language; and

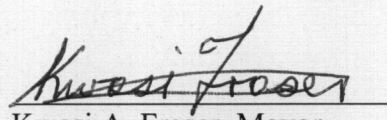
**WHEREAS,** under authority granted by Va. Code 15.2-2209, the Town Council desires to adopt a schedule of civil financial penalties that will be imposed for violations of the Zoning Ordinance.

**A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE**

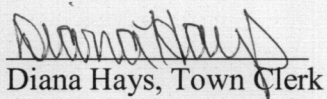
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Purcellville that:

1. The public necessity, convenience, general welfare, and good zoning practice require consideration of these proposed amendments to the Zoning Ordinance, which are hereby initiated and referred to the Planning Commission, to be considered and acted upon in the following order:
  - a. Tree Planting, Tree Preservation, Landscape, and Stream & Creek Buffer Amendments to Article 7 and Article 14
  - b. C-4 District Height Standard Amendments to Article 4, Section 9.8
  - c. Civil Financial Penalties Amendments to Article 11, Section 17
2. As to each amendment, the Planning Commission shall present to the Town Council its recommendations prior to holding a public hearing, and will take into consideration any comments from Town Council. Thereafter, the Planning Commission shall hold a public hearing and may make appropriate changes to the proposed ordinance or amendment as a result of the hearing. Finally, the Planning Commission will present the proposed amendment to the Town Council together with its recommendations and explanatory materials.
3. The Town Council authorizes the Planning Commission to present the proposed amendments to Town Council more than 100 days after this resolution is adopted.

**PASSED THIS 11<sup>th</sup> DAY OF OCTOBER, 2016.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Town Clerk

# PROPOSED C-4 DISTRICT HEIGHT STANDARDS FOR PLANNING COMMISSION PUBLIC HEARING

The following Articles and Sections of the *Zoning Ordinance for the Town of Purcellville, Virginia* would be amended to add all underlined text and to remove all strikethrough text as follows:

## ARTICLE 4. - DISTRICT REGULATIONS

### Section 9. - C-4 Central commercial district.

...

#### *9.8 Height standards.*

Buildings may be erected up to a maximum of three stories and 45 feet in height except provided that:

~~1a.~~ Any business building or part of such building which is located within ~~50~~200 feet of any residential district shall not exceed a maximum of two stories and ~~30~~35 feet in height.

~~2b.~~ A public or semi-public building such as a school, church, or library, may be erected to a maximum height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet. ~~ny building may be erected to a height of 60 feet provided that the front façades of the building above 35 feet shall be set back at least ten additional feet from the front façade or front property line, whichever is greater distance from the public street.~~

~~3.~~ ~~Notwithstanding the provisions of Section 9.8.2., for properties in common ownership that abut North 21st Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50 percent of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than ten feet behind the front façade may be a maximum of 75 feet in height.~~

~~For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.~~

~~4c.~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to a maximum of four ~~4~~ feet above the height of the building on which the walls rest.

~~5.~~ ~~The zoning administrator may grant an administrative modification of these height limitations upon recommendations of the board of architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~



- a. that not more than one row of parallel or angled parking is permitted in the front yard if the sidewalk is between such parking and any new principal structure and such parking directly abuts an approved public street without any intervening open space or physical improvements, and
  - b. existing areas of existing parking lots are exempt from this provision.
  - c. one expansion of not more than nine (9) new parking spaces to an existing parking lot is exempt from these provisions.
6. The front façade of the principal structure must extend across at least 50% of the lot width at the front setback, unless less frontage is required due to required driveway access or to preserve existing vegetation. The front façade must enclose a full height, habitable interior space. However, existing parcels with existing principal structures and front lot widths of more than 80 feet at the time of adoption of these standards, need only have front facades across 35% of the front lot width. Properties to the north of the W&OD trail shall be exempt from either of these requirements.
7. The Zoning Administrator may grant an administrative modification of these setback requirements upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

#### **9.7 Special regulations for business and commercial buildings.**

- 1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation, entertainment, cultural retail and service uses which, in the opinion of the administrator, are of the same general character as those permitted uses listed above, shall be permitted, provided that these and the above specified ~~uses stores, shops or businesses shall be retail and service establishments primarily selling merchandise and rendering a personal service and shall be permitted only in accord with the development standards of this ordinance.~~
- 2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be conducted within completely enclosed buildings of permanent and durable construction, with no open storage of raw, in process, or finished products or material and supplies or waste material, except products on temporary display for sale. This provision does not preclude outdoor eating areas accessory to a permitted use.
- 3. ~~Site plan.~~ Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end shall provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 4.3. ~~Refuse.~~ Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting in accord with the requirements of this ordinance.
- 5.4. ~~Drainage.~~ Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.

#### **9.8 Height standards.**

Buildings may be erected up to three stories and 45 feet in height ~~except provided that:~~

- a1. Any business building or part of such building which is located within 200 ~~50~~ feet of any residential district shall not exceed ~~two stories and 32~~ 35 feet in height.
- b2. ~~Any public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet provided that the front, side and rear yards facades of the building above 35 feet shall be set back at least ten additional feet from the front facade or the front property line, whichever is greater distance from the public street. shall be increased one foot for each foot in height over 50 feet."~~

3. ~~Notwithstanding the provisions of 9.8.2., for properties in common ownership that exceed an aggregate of two contiguous acres in size and that abut North 21<sup>st</sup> Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50% of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than 10 feet behind the front façade may be a maximum of 75 feet in height.~~

For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.

- e.4. ~~The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak shall not exceed 75 feet in height.~~
- d4. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
5. ~~The Zoning Administrator may grant an administrative modification of these height limitations upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~

#### 9.9 Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

#### 9.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7."

### III. Article 4, Section 10 is hereby amended to add the underlined text and delete the strikethrough text as follows:

#### "Section 10. CM-1 Local service industrial district.

##### 10.1 Purpose of the district.

The purpose of this district is to provide for a wide variety of local and farm service industrial operations, including repair services, building supplies, and open or enclosed storage of products, supplies and equipment, but to restrict or prohibit those service industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district, in accord with the purposes and goals of the Comprehensive Plan. Limited manufacturing is also permitted, including open storage of products and materials. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and business service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

##### 10.2 Permitted uses

A building or land shall be used only for the following purposes:

1. ~~Agriculture and forestry as permitted in the R-1 residential district.~~
- 34 1. Accessory buildings and uses, including but not limited to the following:
  - a. Any accessory use permitted in the R-1 residential district.
  - b. ~~Dwellings accessory to a farm of ten acres or more.~~
  - e b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.
  - d. ~~Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service~~





## **STAFF REPORT** **INFORMATION ITEM**

Item # 9a

**SUBJECT:** Status of Priority Work Items

**DATE OF MEETING:** April 20, 2017

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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This report briefly summarizes any recent updates on the status of the Planning Commission's priority work items.

1. Comprehensive Plan Update – Staff is continuing to edit and add to the portions of the plan's narrative drafted by the consultant team as well as crafting the plan's specific policies and implementation recommendations.
2. OA16-04 Tree Preservation Regulations Zoning Ordinance Text Amendment – No change.
3. OA16-01 Stream and Creek Buffer Zoning Ordinance Text Amendment – The draft regulations prepared by the Town Attorney were reviewed and discussed by the Planning Commission at its April 6<sup>th</sup> meeting. Staff is revising the draft to incorporate the Planning Commission's comments and creating a draft map designating the areas regulated by the proposed amendment. These materials will be provided in a supplemental agenda packet the week of the meeting, and the revised draft regulations will be discussed at the April 20<sup>th</sup> Planning Commission meeting.
4. OA16-05 Reduce Maximum Building Heights in the C-4 District Zoning Ordinance Text Amendment – The draft amendment has been scheduled for a public hearing before the Planning Commission at the April 20<sup>th</sup> meeting.
5. OA16-06 Civil Penalties Zoning Ordinance Text Amendment – The draft regulations prepared by the Director of Community Development were reviewed and discussed by the Planning Commission at its April 6<sup>th</sup> meeting. In the time since, other staff members have reviewed the draft and proposed modifications to the draft. After the draft is revised, it will be provided to the Town Attorney for legal review. It is

expected that a fully reviewed and revised draft amendment will be ready for further review and discussion with the Planning Commission at its May 4<sup>th</sup> meeting.

6. OA17-01 Definition of Duplex Dwelling Zoning Ordinance Text Amendment – No change.
7. Sign Regulations – No change.
8. Accessory Dwelling Standards – No change.
9. Legislative Applications
  - a. *CPA15-01 O'Toole Property (Designate as Mixed Use Commercial)* – No change.
  - b. *RZ15-02 O'Toole Property (X to MC)* – No change.
  - c. *SUP16-01 7-Eleven Fueling Station Expansion* – No change.
  - d. *CPA16-01 Village Case (Neighborhood Commercial & Institutional/Government to Residential)* – On April 5<sup>th</sup>, review comments for the project's second submission were distributed to the applicant. All review comments have been uploaded to the Town's website.
  - e. *PCA16-01 Village Case (Commercial & Church to Single-family Detached Residential)* – On April 5<sup>th</sup>, review comments for the project's second submission were distributed to the applicant. All review comments have been uploaded to the Town's website.
  - f. *SUP16-02 Virginia Regional Transit Commuter Parking Lot* – A public hearing before Town Council is scheduled for April 25<sup>th</sup>.
  - g. *SUP17-01 O'Toole Property Assisted Living Facility* – No change.
  - h. *SUP17-02 Blue Ridge Veterinary Associates Kennel* – On April 4<sup>th</sup>, the Town received this application requesting authorization for the special use of "kennel" on Lot 10 in the Mayfair Industrial Park off of Shepherdstown Court. After verifying the application as complete, Staff distributed the application for review on April 6<sup>th</sup>. All materials associated with the application have been uploaded to the Town's website. Notice of the application's acceptance will be provided to Town Council at its April 25<sup>th</sup> meeting.



**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**APRIL 6, 2017, 7:00 PM**  
**TOWN HALL COUNCIL CHAMBERS**

**PRESENT:** Theresa Stein, Chairman  
Chip Paciulli, Vice Chairman  
Tip Stinnette, Planning Commissioner  
EJ Van Istendal, Planning Commissioner  
Britt Adkins, Planning Commissioner  
David Estey, Planning Commissioner  
Kelli Grim, Planning Commission/Council Liaison

**ABSENT:** None

**STAFF:** Daniel Galindo, AICP, Senior Planner  
Sally Hankins, Town Attorney  
Patrick Sullivan, Director of Community Development  
Tucker Keller, Planning and Zoning Technician

**CALL TO ORDER OF REGULAR MEETING:**

Chairman Stein called the Planning Commission Regular Meeting to order at 7:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS:**

Daniel Galindo noted that each of the Commissioners had been given an unofficial zoning map which has been updated to include the most recent amendments.

**COMMISSIONER DISCLOSURES:**

None

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

None

**DISCUSSION ITEMS:**

**a. Repeal and Replacement of the Stream and Creek Buffer (OA16-01)**

Sally Hankins came forward and stated she has been working with Daniel Galindo to try to achieve the basis for which a setback can be required from streams and creeks. Ms. Hankins added that she feels there is a strong foundation for why the setback is allowed and the ecology that would justify it. Ms. Hankins added that the setback that most literature arrives at is 100 feet which is the same number that the Chesapeake Bay State Preservation Act arrived at when it determined the setback needed from streams, creeks and perennial waters in order to protect the quality of the water in the bay. Sally Hankins talked about the definition of a water body. Ms. Hankins added that as this process moves forward that both the County and the DEQ would review the ordinance.

Sally Hankins stated that in talking with Daniel Galindo, he thought this may cover too much and apply to too much territory. Ms. Hankins added that the item could be brought back, and she talked further about naming the creeks that they feel need protected rather than applying setbacks to all streams and creeks.

Daniel Galindo added that Chairman Stein had requested a map of what this amendment would affect (map was distributed) which shows a one hundred foot buffer around all of the water bodies and noted that the ditches would need removed. Mr. Galindo added that it would be hard to pare the displayed water bodies down without significant research.

Sally Hankins added that this is intended to be a setback ordinance and that what is recommended for the protection of water is that the setbacks be buffered with vegetation which plays a critical role in protecting the quality of the water.

Commissioner Stinnette thanked Sally Hankins for her detailed work.

Chairman Stein asked for a definition of “plan view”. Sally Hankins stated she received that language from Loudoun County and it is defined as a view of a plan as looking down on it and that steep slope would not be taken into account. Ms. Hankins added that she could define the phrase in the document.

Chairman Stein suggested that some of the exemptions be included in the draft and that they are standard in a lot of other ordinances.

Chairman Stein noted the exception for tree removal and asked if something should be included about an arborist. Sally Hankins stated that this could be added.

Chairman Stein requested the edited document back soon so that a public hearing could be scheduled. Sally Hankins stated she would be comfortable advertising a public hearing now since the changes are minimal. Daniel Galindo suggested adding an exception for utilities.

Patrick Sullivan talked about expanding on passive recreational facilities so they are better defined. Sally Hankins stated she would look into this request.

Sally Hankins stated she would have the revised document available at the April 20<sup>th</sup> meeting to be approved for a public hearing.

**b. Civil Penalties Text Amendment (OA16-06)**

Patrick Sullivan introduced the item and provided some background information as provided in the staff report. Mr. Sullivan added that there are many local jurisdictions that have civil penalties and that the ordinance would need to be changed and a fine schedule would need to be created. Mr. Sullivan added that there would be a required warning before a fine would be implemented so that it provides an opportunity for the violation to be corrected.

Commissioner Grim asked if anything would be tied to a business license renewal. Patrick Sullivan stated it would not.

Chairman Stein stated the Town needs this and feels the draft is in line with other jurisdictions. She stated that it suits the needs of the Town and feels that it would be effective.

Commissioner Stinnette asked if there is a document that shows detail over a period of time that shows how many sign violations and other violations have occurred as well as revenues. Patrick Sullivan stated that information is not tracked currently. Commissioner Stinnette stated he feels there should be a cost benefit analysis to back up the proposal.

Commissioner Grim added she feels it is more harmful to not have civil penalties and talked about staff time involved.

Commissioner Van Istendal stated that he agrees and added the Town will see a lot of buy-in from the residential optic which will outweigh the potential pushback from the business community.

Patrick Sullivan stated that the Town does not have data to use as back up other than letters and the number of violations.

Chairman Stein asked when this would be ready to move forward to a Public Hearing. Patrick Sullivan stated that it needs to be reviewed by the Town Attorney to finalize a draft.

Daniel Galindo noted that there are several items that need to be revised to include “article” instead of “chapter”, modify items in 17.1.1 and .2 and .3 and proposed making those changes then bringing it back to the Planning Commission to recommend it for a Public Hearing. Chairman Stein agreed.

**ACTION ITEMS:**

None

**INFORMATION ITEMS:**

**a. Status of Priority Work Items**

Daniel Galindo noted two additions to include comments that have been sent out about Village Case and a special use permit applications has been received from Blue Ridge Vet to build a kennel facility in the Mayfair Industrial Park.

Commissioner Grim asked for an update on the Comprehensive Plan. Daniel Galindo stated they are trying to finalize the draft and there may be a few questions for the Commissioners at the next meeting. He stated that he hopes to have a draft by the end of the month and to give the Planning Commission the first opportunity to review it before sending it to VDOT and the other Town committees, commissions and boards for feedback on their sections.

Commissioner Paciulli asked about accessory dwelling standards and if it should be removed from the list. Daniel Galindo added that the resident that brought up the item has not been in touch for over a year and a half. After discussion, the Commissioners left the item on the list for future review.

**CITIZEN COMMENTS:**

None

**COUNCIL REPRESENTATIVE'S REPORT:**

Commissioner Grim stated an interactive spreadsheet has been made for citizens to comment, communicate, make suggestions, etc. on the proposed budget and suggested that the Planning Commissioners review it. Commissioner Grim added that staff is to send "Green Box Initiatives" to all committees, commissions and boards which is to take assets and look for ways to monetize revenue.

Commissioner Grim added that EDAC will be sponsoring a race and Oktoberfest on Sunday, October 8, 2017.

Commissioner Grim stated that the Pullen property near Fireman's Field is being reviewed and encouraged the Planning Commissioners to submit ideas on what could be done with that property to benefit the community.

Commissioner Grim stated that Council reviewed the text amendment for the reduction of the maximum building heights in C-4 and noted it is moving forward.

Commissioner Grim stated that the funds from the Mary's House of Hope property that sold will be put into the sewer fund to assist with paying down maintenance and/or debt costs.

Commissioner Grim stated that an RFI has been put out for Fireman's Field.

**CHAIRMAN'S COMMENTS:**

**a. Meeting of Loudoun/Town Planning Commissioner Chairmen**

Chairman Stein stated that the Chairman of the Lovettsville Planning Commission is organizing a group of Planning Commission Chairs in western Loudoun to meet to talk about issues that concern the various Towns. Chairman Stein stated the first meeting was on March 20<sup>th</sup> and was mostly organizational with some discussion about their Planning Commissions, affordable housing, and comprehensive plan amendments. Chairman Stein added that the group hopes to meet every couple of months and that Commissioner Paciulli was invited to attend as Vice-Chair.

**PLANNING COMMISSIONERS' COMMENTS:**

Commissioner Stinnette asked about the Comprehensive Plan and if a critical path could be traced out and provided to the Commissioners which would show the path now and the delivery of the plan as well as the review scenario. Daniel Galindo stated he could provide that.

**APPROVAL OF MINUTES:**

**a. March 16, 2017 Regular Meeting**

Commissioner Van Istendal noted that he had made comments that were missing and requested that those be added. Chairman Stein stated those minutes could be brought back to the next meeting for approval.

**ADJOURNMENT:**

With no further business, Chairman Stein made a motion to adjourn the meeting at 8:33 PM.

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Theresa Stein, Chairman

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Diana Hays, Town Clerk